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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,542

03/09/2005

Bernd Wilms

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27367 7590 01/12/2007
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EXAMINER

HERNANDEZ, MICHAEL

ART UNIT

PAPER NUMBER

3612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/507,542

Applicant(s)

WILMS ET AL.

Examiner

Mike Hernandez

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. **Claims 1 through 13 and 17 are withdrawn** from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species. As per the preliminary amendment filed 22 December 2006, the applicant elected the species of Fig. 6-8. Claim 1 was rewritten to depend from claim 14; however, claim 1 gives the limitation of pivotable arms used to pivot the closure members and a rear cross beam as a unit into a trunk of a vehicle. Fig. 6-8 fail to show such a limitation. Additionally, claim 14 gives the limitation of a fixed roof and therefore implies that a rear cross beam would also be fixed and not be pivotable into a different position.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 14 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitations "the fixed panel" (midway) and "the slide" (end).

There is insufficient antecedent basis for these limitations in the claim.

5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim (claim 14).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States:

7. **Claims 14, 15, 16, and 18 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,421,635 to Reinsch et al.

Regarding claims 14 and 18, Reinsch et al. discloses a vehicle having a body including at least a fixed roof 11 (it is well known for vehicles to have a trunk), and having a roof assembly for opening an opening 13 in said roof, comprising a plurality of closure elements 10a-d, said closure elements are at least movable between a closed position for closing the roof opening, and an open, rearwardly displaced position substantially below the fixed roof (Fig 5), wherein the roof assembly further comprises at least one common longitudinal guide track 18 extending at least along the roof opening, said closure elements being guided by said longitudinal guide track by means of slide shoes 22,24, said guide track including storage tracks (the non-linear track parts of Fig 5) opening into the guide track from below in order to accommodate the slides of the closure elements so as to stack the closure elements one above the other in their open position below the fixed roof.

Art Unit: 3612

As to claim 15, Reinsch et al. discloses (Col 7 Ln 54-59) the closure elements have a front 22 and rear 24 slide shoes, a front portion of the longitudinal guide track 18 extending at a higher level than a rear portion thereof, the rear portion of the longitudinal guide track having an upper side branch 44 to accommodate the rear slide shoe of the rear closure in the closed position of the roof assembly, while all other slide shoes are in the higher front portion of the guide track, the front and rear slide shoes being differently shaped (Fig 6) in order to cooperate with parts of the guide track to create a different paths for the rear and front slide shoes in the guide track. Although slide shoes 22,24 of Reinsch et al. run on different portions, they share the same guide track 18.

As to claim 16, Reinsch et al. discloses (Col 6 Ln 11-16) one front closure element is operatively connected to a drive and wherein the closure elements are connected to each other through disconnectable connecting members 33, which are constructed such that they disconnect the closure elements before they are stacked in the open position, and they connect the closure elements again when they are returned to the closed position, wherein the connecting members are adapted such that they only act when there is exerted a pulling force on the closure elements, while the closure elements are provided with separate pushing surfaces acting to push a preceding closure element when a pushing force is exerted on the closure element.

Conclusion

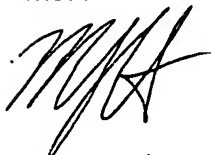

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A through H disclose similar subject matter regarding multiple roof segments that fold under a fixed roof segment. Reference I discloses a

Art Unit: 3612

similar single guide track with differently shaped front and rear slide shoes. Reference J discloses a similar locking/ unlocking system for roof panels when opening/ closing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Hernandez whose telephone number is 571-272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJH


1/8/07
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PRIMARY EXAMINER
AU 3612 1/8/07